

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

September 18-22, 2000

| Date Issued | Type of Case(1) | Proceeding or Appn. No. | Party or Parties | TTAB Panel(2) | Issue | TTAB Decision | Opposer's or Petitioner's Mark and Goods or Services | Applicant's or Respondent's Mark and Goods or Services | Mark and Goods Cited by Examining Attorney | Examining Attorney | Citable as Precedent of TTAB |
|-------------|-----------------|--------------------------|---|---------------------------|---|----------------------------------|--|--|--|--------------------|------------------------------|
| 9-18 | EX | 75/165,479 | Royal Appliance Mfg. Co. | Bucher Bottorff Rogers* | genericness [whether matter is registrable on Supp. Reg.] | Refusal Affirmed | | "SWIVEL CASTERS" [electric vacuum cleaners for domestic use] | | Turner | No |
| 9-18 | OPP | 105,213 | SmithKline Beecham Pharmaceuticals Co. v. L. Molteni & C. dei F.lli Alitti S.p.A. | Hanak Hohein* Hairston | 2(d) | Opposition Dismissed | "DYAZIDE" [diuretics and antihypertensive pharmaceuticals] | "DIABREZIDE" [pharmaceutical preparations for diabetes] | | | No |
| 9-18 | EX | 75/478,598 | Everex Systems, Inc. | Hairston Bucher* Rogers | 2(d) | Refusal Affirmed | | "FREESTYLE" [computers, namely, portable and hand held computers] | "FREESTYLE" (in stylized lettering) [computer software for recognition of handwritten characters and images of characters] | Dickinson | No |
| 9-18 | EX | 75/489,741 | Gamma-Metrics | Cissel Bottorff Holtzman* | 2(e)(4) | Refusal Affirmed | | "RAMOS" [computer software for use in a raw materials processing system for proportioning raw materials to produce an optimal raw mix chemistry and user manuals and printed documentation pertaining thereto] | | Rosaya | No |
| 9-18 | EX EX | 75/573,200 75/573,202 | Food Venture Capital Group, Ltd. | Simms Walters* Bucher | 2(d) | Refusal Affirmed (in both cases) | | "SERAFINA FABULOUS GRILL" and "SERAFINA FABULOUS PIZZA" [both marks for restaurant services] | "SERAFINI'S" (in stylized lettering) [restaurant services] | Engel | No |

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| 9-18 | OPP (SJ) | 108,834 | The Sports Authority Michigan, Inc. v. Hanover Catalog Holdings, Inc. et al. | Cissel Hohein Rogers [Opinion "By the Board"] | 2(d) | Opposition Dismissed (applicant's motion for summary judgment granted) | "AUTHORITY" [apparel, namely, rainwear, jackets, coats, suits, slacks and vests; retail store services in the field of sporting goods and equipment, apparel, footwear, headgear and related goods and services]; "THE SPORTS AUTHORITY," "THE KNIFE AUTHORITY" and "THE LOW PRICE AUTHORITY" [all three marks for retail store services featuring sporting goods and equipment, footwear and clothing]; "THE SKI AUTHORITY" [retail store services featuring ski equipment and clothing]; "THE AUTHORITY IN SPORTING GOODS" [rental of sporting goods, including protective clothing and equipment; retail store services in the fields of fitness, sporting goods and equipment, apparel, footwear, headgear and related goods]; et al. | "AMERICA'S AUTHORITY IN HOME FASHIONS" [mail order services featuring goods in the field of housewares and home textiles] | | | No |

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| 9-18 | EX | 75/044,642 | LesCon-cierges, Inc. | Cissel* Bottorff Quinn | 2(e)(1) [genericness]; whether applicant's mark is registrable under Sec. 2(f) | Refusal Affirmed | | "LESCONCIERGES" [making reservations and bookings for transportation for others; party and special event planning and arranging for ticket reservations for shows and other entertainment services] | | Rosaya | No |
| 9-20 | OPP (SJ) | 112,680 | Compact Disc World, Inc. v. Artistic Visions, Inc. | Seeherman Chapman Holtzman [Opinion "By the Board"] | 2(d) | Opposition Sustained [opposer's motion for summary judgment granted] | "COMPACT DISC WORLD" [retail store sales of compact discs, audio cassettes, records, audio components and accessories, compact disc videos, laser disc and video tapes] | "CDWORLD" (in stylized lettering) [computerized on- line retail services in the field of music, compact discs and audio cassettes featuring music, movies, music videos, digital video disks (DVD) players and related accessories for the foregoing, namely, carrying and storage cases for the aforesaid goods, and headphones] | | | No |
| 9-20 | EX | 75/339,270 | Amerope Enterprises, Inc. | Simms Quinn* Bucher | 2(d) | Refusal Affirmed | | "SAF-T-LITE" [laminated leaded glass panels or panes] | "SAFTI-LITE" [fire and safety related glass] | Horral | No |
| 9-20 | EX | 75/364,564 | International Lutheran Laymen's League | Quinn Hohein Rogers* | 2(d) | Refusal Reversed | | "THE PUZZLE CLUB" [computer mouse pads; animated television films, prerecorded video tapes, CD-ROMs, and computer game programs featuring a religious message for families] | "THE PUZZLE PLACE" and "THE PUZZLE PLACE" (and design) [both marks for entertainment services, namely, producing a children's television series] | Kovalsky | No |

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| 9-20 | EX EX | 75/196,406 75/196,905 | Strategic Weather Services, L.P. | Simms* Quinn Rogers | 2(e)(1) | Refusal Affirmed (in both cases) | | "THE GLOBAL WEATHER NETWORK" and "THE BEST WEATHER FORECAST ON EARTH" [both marks for providing short and long range weather information services, particularly for event planning, provided via a global computer network, television, cable, fax and telephone and computer services, namely, providing access to an interactive Web site in the weather field] | | Mays | No |
| 9-20 | EX | 75/366,221 | PageMart, Inc. | Simms Cissel Seeherman* | 2(d) | Refusal Affirmed (but only as to the cited mark SCOUT for wireless microphones and receivers) | | "SCOUT" [message pagers and personal communication systems, namely, two-way pagers; and two-way pager cards] | "SCOUT" [digital computers] and "SCOUT" [wireless microphones and wireless receivers] | Axilbund | No |
| 9-20 | EX | 75/063,066 | Samick Music Corp. | Hairston Walters* Rogers | whether the specimens of use show trademark use of applicant's mark | Refusal Reversed | | "DIGIPLAYER" [acoustic and electronic pianos and electronic musical keyboards] | | Rosaya | No |

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| 9-20 | OPP | 107,431 | FALC S.p.A. v. H. H. Brown Shoe Co., Inc. | Quinn Walters* Rogers | 2(d) | Opposition Sustained | "NATURINO" (and design) [clothing, namely, trousers, pants, dungarees, sports-jackets, polo-neck sweaters, t-shirts, shirts, blouses, socks, hats, and gym suits; footwear, namely, shoes, boots, and slippers] | "NATUR" (and design) [footwear] | | | No |
| 9-20 | EX | 75/357,678 | American Fastsigns, Inc. | Hohein Holtzman Rogers* | 2(e)(1) | Refusal Affirmed | | "FASTSHIP" [expedited delivery of signs, namely, digital color graphics, design ideas, logos, symbols, trade show displays, vehicle graphics, magnetics and signage] | | Billings | No |
| 9-20 | EX | 75/196,405 | Strategic Weather Services, L. P. | Simms* Quinn Walters | 2(e)(1) | Refusal Affirmed | | "THE WORLD WIDE WEATHER NETWORK" [providing short and long range weather information services, particularly for event planning, provided via a global computer network, television, cable, fax and telephone and computer services, namely, providing access to an interactive Web site in the weather field] | | Mays | No |

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| 9-20 | EX | 75/393,168 | Arcturus Engineering, Inc. | Hanak Quinn* McLeod | 2(e)(1) | Refusal Reversed | | "CAPSURE" [scientific and laboratory instruments and medical instruments, namely, transfer film carriers for use in laser capture microdissection] | | G. Clark | No |
| 9-21 | EX | 75/196,907 | Strategic Weather Services, L. P. | Simms* Walters Rogers | 2(e)(1) | Refusal Affirmed | | "THE WEATHER NETWORK" [providing short and long range weather information services, particularly for event planning, provided via a global computer network, television, cable, fax and telephone and computer services, namely, providing access to an interactive Web site in the weather field] | | Mays | No |
| 9-22 | EX | 75/369,329 | Automotive Technologies, Inc. | Hohein* Walters Bottorff | Section 6 disclaimer requirement (of words SKYWAVE PRODUCTS) | Refusal Reversed | | "SKYWAVE PRODUCTS" (and design) [wireless telephone accessories, cables, global positioning satellite tracking receivers and displays, computer software for accessing global information networks, etc.] | | Bush Rosaya | No |

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